

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE
MINUTES OF PUBLIC MEETING**

DATE.....August 4, 2004
TIME.....4:30 P.M.
PLACE.....COUNTY OFFICE
BLDG.

20 N. 3RD STREET
LAFAYETTE, IN 47901

MEMBERS PRESENT

Mark Hermodson
Carl Griffin
Steve Schreckengast
KD Benson
Gary Schroeder
Dave Williams
Robert Bowman

STAFF PRESENT

Margy Deverall
Kathy Lind
Jay Seeger, Atty.

KD Benson called the meeting to order.

I. APPROVAL OF MINUTES

Mark Hermodson moved to approve the minutes of the July 7, 2004 meeting. Carl Griffin seconded and the motion carried by voice vote.

II. CONTINUED DISCUSSION REGARDING RESIDENTIAL ZONES

Margy Deverall said that in June, the Area Plan Commission tabled UZO Amendment #44 in order to further the discussion with an expanded workgroup including City Engineers, County Building Commissioner, and the County Surveyor. She pointed out there were issues brought up by Dave Buck concerning additional run off by increasing the amount of building coverage. She said that at the last workgroup meeting, they came to a consensus: originally, the amendment was written to say we were changing the lot widths, but not the area, was to increase the amount of allowed building coverage by 5% and a reduction in green space by 5%. Margy said Tim Buyers thought perhaps the green space did not need to be changed, but still increasing the amount of building coverage. Margy explained that her concern is runoff because if just a few lots took advantage of the increased building coverage, it would not have a great impact on runoff, but if every new project took advantage of the amendment, it would have a huge impact. She explained that by keeping the pervious surface percentage the same, the impact would be small enough. She also mentioned setting a cutoff date for developments to take advantage of this change. She said the workgroup first thought that once this amendment was passed, they would have to implement a specific date and any developments that came after that date would include the calculations to include the additional 5% allowable building coverage, any that had their drainage plans approved prior to that date would not be able to use the added 5%. She mentioned that a problem with creating a cutoff date would be difficulties encountered 10 or 15 years from now with staff changes; it would be hard to remember when the date was or why the change was made. She said by keeping the same green space requirements, the run-off impact would be small enough that there would be no need to include a cut off date, any new developments would be able to take advantage of the additional allowable building coverage. She continued to discuss section 4-4-5: setbacks for structural projections and stoops. She pointed out that in the list of projections that are allowed to extend into the setback are eaves, chimneys, bay windows, greenhouse windows, and window-mounted or wall-mounted air conditioners. She explained that the building permits office mentioned chimneys must have a foundation, show up on a site plan and be inside in a setback. She said for those reasons, chimneys could be taken off the list. She also said when she was reviewing the amendment, it states that the projections are allowed extend in front, side and back setbacks. She would like to have discussion concerning the inclusion of chimneys.

She also mentioned a concern brought up over ingress and egress windows that can extend 3.5 feet outside the building. She expressed the concern that if you only have 5' setbacks, and both have window

wells, you might have only 3 feet in between the buildings. She mentioned the workgroup was comfortable that window wells would not be allowed in side setbacks. She then discussed the fact that stoops can extend 4' into side setbacks. She discussed that in theory, two houses could have 2 stoops next door to one another, only leaving 2' between two houses. She concluded by saying the definition of a stoop includes an outdoor, unroofed stairway and that this point also needs some discussion.

Mark Hermodson said he is comfortable with leaving the vegetative cover requirements the same.

Margy Deverall said Tim Buyer looked at each zoning district, took the minimum sized lot, added a maximum sized building on the lot, left 40% vegetation and calculated how much area would be left over for sidewalks, driveways and patios. In the R1 district there would be 3,000 sq. ft.; R1A 2250 sq. ft.; R1B 1800 sq. ft.; and R1U 1250 sq. ft..

Steve Schreckengast said, as it stands, the chimney is part of the house, and it has to stay with the setback.

Carl Griffin said that with many of the new fireplaces, which only include a vent and have a frame structure around it, might not show up on a building permit. He said he did not think that all chimneys have a foundation, as many of them end where the siding ends. He questioned the validity whether a chimney impacts the total inclusion.

Mark Hermodson said if we took chimneys off of the list, then the ones with foundations would have to comply with the setback and the chimneys that don't have a foundation would be irrelevant.

Steve Schreckengast said with prefabricated fireplaces, most have foundations, but most don't have chimneys. He did not see a problem with eliminating the exclusion for a chimney. He thought the chimney should be considered part of the house and should have to stay within the setback.

Mark Hermodson moved to eliminate chimneys from the list. Steve Schreckengast seconded and the motion carried by voice vote.

Steve Schreckengast said that there is a difference between a normal window well, like an 8" x 16" for a basement window, and an escape well window.

Gary Schroeder said that even a basement window well would not be allowed into the side setback.

Steve Schreckengast replied he could see the concern with an escape well window that goes 5' out into the side setback. He asked Julé Collins, Lafayette City of Lafayette Board of Zoning Appeals, if escape well windows are required to be shown on the building permit.

Julé Collins replied that escape well windows for a basement are required to be shown on the building permit.

Steve Schreckengast did not see a problem with disallowing a large escape well window. He said if it is a normal window well, he thought that should be allowed.

There are normally no window wells on the front of the house, there are none on the sides, then you would only be left with the back.

KD Benson said the discussion includes a separation between houses of ten feet, between foundations.

Margy Deverall stated that there might need to be a distinction between a window well and an egress window.

Steve Schreckengast said the definition could include a stipulation that the basement window well could not encroach into the side yard more than 18", as apposed to saying an escape well window.

KD Benson asked if the terms escape well or window well was defined.

Gary Schroeder stated there is no definition of either.

Steve Schreckengast said if you limit how far any window limit access could encroach on the side yard, that might solve the problem.

Gary Schroeder said that even with changes, the amendment would still allow a reduction of that 5' setback to 3 ½' for something that is clearly a part of the house, and technically connected to the foundation.

Margy Deverall stated that window wells are currently not included in the list of structures that are permitted to project into a setback. She said as the proposed amendment states, a window well would be allowed to extend 2' into a 6' side setback and no more than 1' into a 5' side setback. She mentioned that the UZO is currently worded to allow a projection of no more than 2' into a 6' side setback, with no mention of a 5' side setback and a window well is not mentioned at all.

Steve Schreckengast said he does not think many basement homes would be built on a 50' lot with a 5' sideyard.

Margy Deverall pointed out this amendment could apply to structures on any R1 zoned lot with a 5' side setback.

Steve Schreckengast said he thinks most builders would believe it would be acceptable to place an escape window on the front or the rear of the house.

Margy Deverall asked if window wells should be included in the list of the allowed projections into the side setback.

Steve Schreckengast believed that would be acceptable.

Carl Griffin said if the wording were to remain as it is, allowing a projection of 1' into a 5' setback or 2' into a 6', it would be possible to still have an escape well in the side yard as long as it did not extend more than the allowed footage.

Steve Schreckengast does not think an escape well window that met the current UZO requirements meet the egress requirements.

Mark Hermodson stated that if the house was built farther away from the setback, essentially making it a smaller house, then the egress requirements could still be met, in addition to the maximum 1' extension into a 5' or 2' extension into a 6' setback.

Steve Schreckengast said that any structure cannot extend more than 2' into the side yard.

Mark Hermodson said he thinks the solution for extension of stoops extending into the side yard would be to keep the stoop at grade.

Margy Deverall said there was a suggestion of making the stoop smaller, but that would not meet a code requirement that would necessitate the stoop remaining the size as it is prescribed now.

Dave Buck, West Lafayette City Engineer, 609 W Navajo St, West Lafayette, IN said a stoop on the side of the house is really serving as a landing.

Steve Schreckengast said a building could have a side yard with a 4'x4' stoop, with it still being 2' from the lot line.

Robert Bowman pointed out an example of duplexes that have 10' parking spaces on each end of the duplex and 7' between the concrete driveways. He mentioned the duplexes were built in the 1980s and if the arrangement as described above worked, it should work now. He also stated that he feels patios and

driveways should adhere to the same requirements and with regards to stoops he believes that there should be a side-door entrance and the side setbacks should be 5', not 3 ½' like it is currently. Steve Schreckengast questioned if this applies to R1 zoning only.

Margy Deverall replied affirmatively.

KD Benson said the Committee might want to think about Robert Bowman's example of the duplexes when the discussion turns to R2 zoning. She reaffirmed that the Committee agreed on requiring stoops to remain at grade with the foundation.

Mark Hermodson moved to send the amendment and proposed changes to the full Area Plan Commission. The motion carried by voice vote.

III. ZONING FOR FEED MANUFACTURERS

Jeff Hunter, 9102 E. 325 N, Lafayette, IN, requested that zoning be changed for feed manufacturers. He said feed manufacturers currently are in industrial zoning but must get an exception, and the exception is one of the most restrictive zoning requirements in regards to any other type of manufacturer. He mentioned that it would be very difficult for a feed manufacturer to relocate their building because it they would not be able to get proper zoning for a new location. He explained he was told several years ago that he was able to set up a feed manufacturing business on his farm, which is zoned agricultural, which not the case. He pointed out many other counties allow feed manufacturers on agricultural land. He gave the example of Carroll County which lumps seed distributors, farm implement sales and feed manufacturers as Ag-Service Businesses. He said he would like to see Tippecanoe County adopt a similar policy. He talked about the difference among sizes of feed manufacturing plants; there are manufacturers that handle only low volumes of business, under 3,000 tons per year, and there is the other end of the spectrum that handles upwards of 30,000 tons per year, although none in the middle. He said a 30,000 ton manufacturer would not be desirable in a general business zoned area. He presented a possible solution to divide feed manufacturer zoning requirements into categories dependent on their size. He said some advantages of making the distinction is allowing existing feed companies to relocate to other areas and small manufacturers to exist in more regional and local areas. He also mentioned that his particular feed manufacturing business is involved in retail, but retail makes up only a small portion of his revenue. He believed the restrictive zoning and problems with relocating could be remedied by rewriting the feed manufacturer zoning requirements.

KD Benson asked if Jeff Hunter had clippers and spinning wheels at his store, also.

Jeff Hunter replied negatively. He said they mostly deal in animal health products, vaccines, iodine, etc.

Dave Williams asked if most of his customers came and picked up the product or does he offer a delivery service.

Jeff Hunter replied most of his business is shipped out, selling primarily to 13 different Midwestern states.

Steve Schreckengast asked what zoning classification is required to operate a feed manufacturing.

Kathy Lind responded I1, I2 or I3 with a special exception.

Steve Schreckengast asked if that zoning was intended because a smell often accompanies feed manufacturing.

Jay Seeger mentioned he had spent a lot of time looking at the zoning classification regarding feed manufacturers. He said that Jeff Hunter's business involves feed manufacturing, animal product sales, internet sales and ag. He said it would be very difficult to change the ordinance to fulfill all the uses that Jeff Hunter has. He said the solution could be a change in the zoning to PDMX. He said that the uses of the business would have to be very limited.

Kathy Lind asked Jay if Jeff Hunter falls into SIC 20-48, prepared feeds and feed ingredients for animals and fowls.

Jay Seeger replied that is true, but he also does retail sales.

Jeff Hunter asked if the retail sales could be viewed as an accessory use since it is a small percent.

Jay Seeger replied that would not be a legal way to allow him to continue doing retail business.

Kathy Lind responded to the question posed by Steve Schreckengast regarding feed manufacturers limited to I3 zoned areas. She thought the reason feed manufacturers are only allowed in I3 with special exception because SIC 20-48 includes slaughtering of animals for non-human consumption.

Mark Hermodson asked Jeff Hunter how much traffic his business generates.

Jeff Hunter replied his business does about \$500,000 in sales per year, a payroll of about \$50,00, and employee traffic is around 2-3 coming and going. He said they get 7-8 walk-in customers per day and 80% of his business is from January 1 to July 1.

Mark Hermodson asked how many trips per day from customers his business generated with an overall volume of less than 3,000 tons.

Jeff Hunter responded a co-op would have 15-20 customers per day.

Mark Hermodson asked what kind of pollution issues are involved with a feed manufacturer.

Jeff Hunter said the only discharge is a small amount of dust from the driveway. He explained they draw all of their dust into a roller mill and aspirates the dust into a plastic bag. They do not release any water pollutants, the only water produced by the business is the small bathroom on-site.

Carl Griffin asked if the dust his business produces is governed by OSHA.

Jeff Hunter responded that he was not sure, but they chose to dispose of their own dust for quality and cleanliness reasons. He also mentioned there are no waste products associated with feed manufacturing since he makes all-grain feed, with no animal by-products.

Mark Hermodson stated that the smaller operators of feed don't pose any problems to the county or the environment and he would like to make a distinction regarding the size of the manufacturer.

Jay Seeger mentioned the past issues with allowing wineries. He said with both the wineries and this instance, they can be allowed with special exceptions limiting their size and scope of use. He pointed out that if the ordinance could be rewritten, Jeff Hunter's business still might not fit within those guidelines.

Jeff Hunter responded that, although true, he would like to see the current zoning classifications better than the current wording. He would like to see feed manufacturing allowed in GB or Industrial-permitted.

Mark Hermodson pointed out he felt animal feeds are separately defined from all-grain feeds.

Steve Schreckengast asked if most of the feed manufacturers are on a well. Because obviously a large outfit like Staley's would need some sort of utilities.

Jeff Hunter mentioned a competing business in a southern Indiana county which viewed their operations as an agri-business use.

Steve Schreckengast pointed out he would rather look to a more industrialized county, rather than Carroll County, which is mostly agricultural.

Mark Hermodson mentioned he was still leery about the animal health products and believes more in-depth discussion is merited.

IV. CITIZEN COMMENTS

John Knochel, 20 N. 3rd Street, Lafayette, IN said his business is similar. He was surprised to find out his business was located in an R1 zone. He was pleased with Jeff Hunter's description of what his operation, how he goes about doing his business and answered questions about dust control well.

V. ADJOURNMENT

Mark Hermodson moved to adjourn. Carl Griffin seconded.

Respectfully submitted,

Bianca Bullock
Recording Secretary

Reviewed by,

Margy Deverall
Assistant Director